

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

JUSTIN A. SMITH,

Plaintiff,

v.

JOSHUA Z. NELLIS,

Defendant.

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No. 1:20-cv-2002-STA-jay

ORDER GRANTING MOTION TO CONSOLIDATE CASES

Before the Court is Plaintiff Justin A. Smith's Motion to Consolidate Cases (ECF No. 13) filed April 8, 2020. Plaintiff's Complaint alleges that he suffered injuries in an automobile collision while traveling as a passenger in a vehicle driven by Defendant Joshua Z. Nellis. Nellis filed an Answer denying the allegations and asserting the comparative fault of another driver Hailey B. Smith. Based on Nellis' allegation, Plaintiff filed a separate action in this Court against Hailey B. Smith, a case styled *Justin A. Smith v. Hailey B. Smith et al.*, and docketed as civil case number 1:20-cv-1033-JDB-jay. Plaintiff now seeks the consolidation of both cases in a single action. According to the Motion, counsel for the other parties do not oppose the request.

Federal Rule of Civil Procedure 42(a) permits the Court to consolidate two actions if the cases "involve a common question of law or fact." Fed. R. Civ. P. 42(a). In the Sixth Circuit, courts consider a number of factors to determine whether consolidation is appropriate, such as

[W]hether the specific risks of prejudice and possible confusion [are] overborne by the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single

one, and the relative expense to all concerned of the single-trial, multiple-trial alternatives.

Cantrell v. GAF Corp., 999 F.2d 1007, 1011 (6th Cir. 1993) (quoting *Hendrix v. Raybestos–Manhattan, Inc.*, 776 F.2d 1492, 1495 (6th Cir.1985)). In this case, the Court finds that the requirements of Rule 42 are met and that good cause therefore exists to consolidate the two cases. Plaintiff's Motion is **GRANTED**.

The Clerk of Court is directed to docket a copy of this order in the companion case, no. 1:1:20-cv-1033-JDB-jay. Upon the consolidation of the two cases, the parties are directed to file any motions or other papers using a heading containing the style of both cases and case numbers. While the case at bar will become the lead case, as it was the first filed with the Court, the parties are also directed to submit all future motions and other filings on the docket of both cases.

IT IS SO ORDERED.

s/ **S. Thomas Anderson**
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: April 9, 2020